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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,407	02/15/2002	Jay Jayapalan	CE08888R	3259
22917	7590	09/09/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196				BHATIA, AJAY M
ART UNIT		PAPER NUMBER		
2145				

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/077,407	JAYAPALAN ET AL.	
	Examiner Ajay M. Bhatia	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 June 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lioy (U.S. Patent 6,775,553).

2. For claim 1, Lioy teaches, in a communication system comprising at least two peers that communicate with each other across an intermediate network comprising at least one infrastructure element, a method for an infrastructure element of the at least one infrastructure element to establish communications between two peers of the at least two peers, the method comprising:
 - monitoring at least a portion of messages exchanged between the two peers for control messages;
 - storing at least some parameters corresponding to the control messages exchanged between the two peers to provide stored parameters;
 - detecting occurrence of retransmission of a control message from one of the two peers, wherein the retransmission of the control message will lead to duplicate negotiations between the two peers; and

processing the retransmission of the control message based on the stored parameters such that the duplicate negotiations are avoided. (see Lioy, Col. 5 line 62 to Col. 6 line 30)

3. For claim 2, Lioy teaches, the method of claim 1, wherein the control messages comprise point-to-point protocol control messages. (see Lioy, Col. 5 line 62 to Col. 6 line 30, IPCP is a PPP)

4. For claim 3, Lioy teaches, the method of claim 1, wherein the communication system comprises a wireless communication system, the at least two peers comprising at least one wireless communication unit in communication with at least one interworking unit via the intermediate network, and wherein the control message is sent from a wireless communication unit of the at least one wireless communication unit. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

5. For claim 4, Lioy teaches, the method of claim 1, wherein the communication system comprises a wireless communication system, the at least two peers comprising at least one wireless communication unit in communication with at least one interworking unit via the intermediate network, and wherein the control message is sent from an interworking unit of the at least one interworking unit. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

6. For claim 5, Lioy teaches, the method of claim 1, wherein processing of the retransmission of the control message further comprises discarding the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 3A)
7. For claim 6, Lioy teaches, the method of claim 1, wherein processing of the retransmission of the control message further comprises acknowledging the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Col. 6 lines 37-52, Figure 3A)
8. For claim 7, Lioy teaches, the method claim 1, further comprising, prior to detecting the retransmission of the control message:
detecting transmission of data by each of the two peers; and
discarding the stored parameters in response to detecting the transmission of data by each of the two peers. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)
9. For claim 8, Lioy teaches, a machine-readable medium having stored thereon machine-executable instructions for carrying out the method of claim 1. (see Lioy, Col. 5 lines 38-54)
10. For claim 9. In a communication system comprising at least two peers that communicate with each other across an intermediate network comprising at least one infrastructure element, a method for an infrastructure element of the at least one

infrastructure element to establish communications between a first peer and a second peer of the at least two peers, the method comprising:

receiving, from the first peer, a request control message targeted to the second peer;

storing parameters from the request control message to provide stored request control message parameters;

forwarding the request control message to the second peer;

receiving, from the first peer, a retransmission of the request control message targeted to the second peer; and

processing the retransmission of the request control message based on the stored request control message parameters. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

11. For claim 10, Lioy teaches, the method of claim 9, wherein the request control message and the retransmission of the request control message comprise point-to-point protocol control messages. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, IPCP is a PPP)

12. For claim 11, Lioy teaches, the method of claim 9, wherein processing of the retransmission of the control message further comprises discarding the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 3A)

13. For claim 12, Lioy teaches, the method of claim 9, wherein processing of the retransmission of the control message further comprises acknowledging the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Col. Col. 6 lines 37-52, Figure 3A)

14. For claim 13, Lioy teaches, the method of claim 9, further comprising, prior to receiving the retransmission of the first request control message:

detecting transmission of data by each of the first peer and the second peer; and
discarding the stored request control message parameters in response to
detecting the transmission of data by the first peer and the second peer. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

15. For claim 14, Lioy teaches, a machine-readable medium having stored thereon machine-executable instructions for carrying out the method of claim 9. (see Lioy, Col. 5 lines 38-54)

16. For claim 15, Lioy teaches, an apparatus for use in an intermediate network forming a part of a communication system, the communication system comprising at least two peers that communicate with each other across the intermediate network, the apparatus comprising:

at least one processor; and

at least one storage device, coupled to the at least one processor, having stored thereon instructions that, when executed by the at least one processor, cause the at least one processor to:

monitor at least a portion of messages exchanged between two peers of the at least two peers for control messages;

store, in the at least one storage device, at least some parameters corresponding to the control messages exchanged between the two peers to provide stored parameters;

detect occurrence of retransmission of a control message from one of the two peers, wherein the retransmission of the control message will lead to duplicate negotiations between the two peers; and

process the retransmission of the control message based on the stored parameters such that the duplicate negotiations are avoided. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

17. For claim 16, Lioy teaches, the apparatus of claim 15, wherein the control messages comprise point-to-point protocol control messages. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, IPCP is a PPP)

18. For claim 17, Lioy teaches, the apparatus of claim 15, wherein the at least one storage device further comprises instructions that, when executed by the at least one processor, cause the at least one processor to:

process the retransmission of the control message by discarding the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 3A)

19. For claim 18, Lioy teaches, the apparatus of claim 15, wherein the at least one storage device further comprises instructions that, when executed by the at least one processor, cause the at least one processor to:

process the retransmission of the control message by acknowledging the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Col. 6 lines 37-52, Figure 3A)

20. For claim 19, Lioy teaches, a base station controller embodying the apparatus of claim 15. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, object 106)

21. For claim 20, Lioy teaches, a mobile switching center embodying the apparatus of claim 15. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, object 104)

Response to Arguments

Applicant's arguments filed June 22, 2005 have been fully considered but they are not persuasive.

Examiner notes that applicant is arguing communication of the proxy, but applicant has failed to include any mention of a proxy within the claims. Therefore the

arguments directed to the proxy communication have no bearing on the allowability because they have not been included in the claim. Additionally applicant is arguing an IP address is not a parameter, examiner note that he has looked over the spec and the applicant has not provided any special interpretation of the term “parameter” in paragraph 25 of the specification applicant has mention example of possible “parameter” but this does not equate to a definition. If applicant feels this is his definition may wish to amend to “parameter” to one of the example. Additionally applicant discusses the IP address during which negotiation it occurs, this not pertained. The stored parameter are the IP address supplied by the TE2 device, it must be stored so that it can be compared to the IP address provided by the IWF, additionally MT2 must also store the IP message provide by TE2, so the is can send back a rejected message to the device.

Additionally since all other arguments fail to discuss any other differentiation over the prior and depend upon the argument addressed above, they are also still rejected. In response to arguments addressing claims 19 and 20 applicant is arguing features not claimed and the specification does not provided for any special interpretation of the claim language, therefore the argued feature of a base station and a mobile switching center fail to differentiate themselves from the cited prior art.

Also Examiner notes applicant has only submitted remarks, without a new set of claims, therefore Examiner relies upon the original submitted claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M. Wallace can be reached on (571)-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



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